



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,448	10/26/2000	David Bruce Kumhyr	AUS9-2000-0499-US1	3531

7590 05/06/2004
Kelly K Kordzik
100 Congress Avenue
Suite 800
Austin, TX 78701

EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
----------	--------------

2122

5

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PPE

Office Action Summary	Application No. 09/697,448	Applicant(s) KUMHYR, DAVID BRUCE	
	Examiner Kenneth A Gross	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract provided in the specification contains more than 150 words. This objection was previously presented in the office action mailed on November 14th, 2003. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3, 24, and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, it is unclear how a method signature can point to a resource file. The specification, on Page 15, identifies the method signature as a pointer. However, the understood definition of a method signature is "method name along with the number, type, an order of its parameters. It is used to bind a method invocation to the appropriate definition." Therefore, it is unclear how a method signature can be a pointer. Furthermore, if the method signature is actually a method pointer, that points to a specific method, then the method pointer cannot point to a resource file, since the

Application/Control Number: 09/697,448

Art Unit: 2122

resource file is not the method in which the method pointer is pointing to. Clarification is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-21, 27-42, and 48-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6, 27, and 48 recite the limitation "its associated value". There is insufficient antecedent basis for this limitation in the claim. This rejection was previously presented in the office action mailed on November 14th, 2003, and the rejection is upheld. There is no clear indication that a "key" as defined has an associated value, especially, an associated value of a resource file. Claims 7-21, 28-42, and 49-50 are rejected for being dependent on a rejected parent claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 22, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of Hoffman (U.S. Patent Number 6,189,137).

Application/Control Number: 09/697,448
Art Unit: 2122

In regard to Claim 1, Khoyi teaches opening the resource file using the method invocation, and detecting if the resource exists or not, hence checking for errors (Column 80, lines 9-19). Khoyi does not explicitly teach scanning a code for a first method invocation and identifying said method invocation. Hoffman, however, does teach parsing a program for a method invocation and identifying the function (Column 6, lines 2-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of opening the resource file using the method invocation, and checking for errors, as taught by Kohyi, where the method is detected by scanning a code for a first method invocation and identifying said method invocation, as taught by Hoffman, since this is how a method gets executed when code is being run in a computer.

In regard to Claim 22, Claim 22 is a product Claim that corresponds with Claim 1. Claim 22 is rejected for the same reasons as Claim 1, where Khoyi teaches a product for carrying out said method of Claim 1 in Figure 1A.

In regard to Claim 43, Claim 43 is a system Claim that corresponds with Claim 1. Claim 43 is rejected for the same reasons as Claim 1, where Khoyi teaches a system for carrying out said method of Claim 1 in Figure 1A.

8. Claims 2-3, 5-7, 23-24, 26-28, and 44-45, 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of Hoffman (U.S. Patent Number 6,189,137), and further in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen).

In regard to Claim 2, Khoyi and Hoffman teach the method of Claim 1, and Hoffman further teaches scanning the code for a first method signature in the form of the function name

Application/Control Number: 09/697,448

Art Unit: 2122

(Column 6, lines 2-9), and scanning code for a pair of string delimiters adjacent to the first method signature in the form of an input parameter declared with the function invocation (Column 6, lines 24-26). Hoffman does not teach that this pair of string delimiters is a key of said first resource file. Christiansen, however, does teach a function for opening a file which takes as a parameter the name of the file, which is seen as a key that associates the name to a specific file (Page 1, Section 7.1.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, further scanning the code for a first method signature and scanning code for a pair of string delimiters adjacent to the first method signature, as taught by Hoffman, where the pair of string delimiters is a key to the resource file, as taught by Christiansen, since a file ID is needed to locate the specific file to open.

In regard to Claims 23 and 44, Claims 23 and 44 are product and system Claims that correspond with Claim 2. Claims 23 and 44 are rejected for the same reasons as Claim 2, where Khoyi teaches a product and system for carrying out said method of Claim 2 in Figure 1A.

In regard to Claims 3, 5-7, 24, 26-28, 45, and 47-49, for the logic behind the rejections of the limitations of these Claims, see the office action mailed on November 14th, 2003.

9. Claims 4, 25, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of Hoffman (U.S. Patent Number 6,189,137), and further in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen) and Nilsen et al. (U.S. Patent Number 6,081,665).

In regard to Claim 4, Khoyi, Hoffman, and Christiansen teach the method of Claim 2, but do not teach that the first method signature is a first parameter of a method invocation. Nilsen,

however, does teach using a method signature as a parameter of a method invocation (Column 16, lines 2-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Khoyi, Hoffman, and Christiansen, where the first method signature is a first parameter of a method invocation, as taught by Nilsen, since this allows the function call to search for the given function to be run.

In regard to Claims 25 and 46, Claims 25 and 46 are product and system Claims that correspond with Claim 4. Claims 25 and 46 are rejected for the same reasons as Claim 4, where Khoyi teaches a product and system for carrying out said method of Claim 4 in Figure 1A.

10. Claims 8-10, 15-17, 29-31, 36-38, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of Hoffman (U.S. Patent Number 6,189,137) and further in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen) and Pennell (U.S. Patent Number 6,598,181).

In regard to Claim 10, Khoyi teaches opening the resource file using a method invocation, and detecting if the resource exists or not, hence checking for errors (Column 80, lines 9-19). As stated above in the rejection of Claim 1, Hoffman teaches identifying a method invocation (Column 6, lines 2-9), where the method invocation is a second method invocation as mentioned by Pennell in Claim 9. Claim 17 recites limitations that have already been addressed in Claim 10 and is rejected for the same reasons as Claim 10.

In regard to Claims 31 and 38, Claims 31 and 38 are product Claims that correspond with Claim 10. Claims 31 and 38 are rejected for the same reasons as Claim 10, where Khoyi teaches a product for carrying out said method of Claim 10 in Figure 1A.

Application/Control Number: 09/697,448
Art Unit: 2122

In regard to Claims 8, 9, 15, 16, 29, 30, 36, 37, and 50, for the logic behind the rejections of the limitations of these Claims, see the office action mailed on November 14th, 2003.

11. Claims 11-14, 18-21, 32-35, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of Hoffman (U.S. Patent Number 6,189,137) and further in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7: File Access" (hereinafter Christiansen), Pennell (U.S. Patent Number 6,598,181), and Stark (U.S. Patent Number 5,935,210).

Response to Arguments

12. Applicant's arguments filed February 20th, 2004 have been fully considered but they are not persuasive.

In regard to Claims 1, 2, 22, 23, 43, and 44, the applicant states that Khoyi does not teach scanning a code for a first method invocation and signature, and identifying an method invocation. The Hoffman reference has been added to the rejections of these Claims to specifically teach these actions, which are inherently performed during execution of computer code.

In regard to Claims 4, 25, and 46, the applicant asks for a specific reference for using a method signature as the first parameter of a method invocation. The Nilsen reference has been added to the rejections of these Claims to further teach the use of a method signature in a method invocation.

In regard to Claims 8, 9, 15, 16, 29, 30, and 50 the applicant argues that Pennell does not teach "determining whether to scan more code for a second method invocation" and "scanning

Application/Control Number: 09/697,448

Art Unit: 2122

more code for a second method invocation”, but teaches rather “detecting whether the current line of code is within a pre-selected range of addressed to be analyzed”. However, this is only one part of the cited reference. Checking the line of code is only used to determine if there is any more code to analyze. There is also a check to see if the current line of code is a call instruction (Figure 4, item 410). Therefore, Pennell both determines whether to scan more code, and if so, checking for call instructions.

In regard to Claims 10, 17, and 31, the rejections of these Claims have been clarified to teach identifying a second method invocation, as taught by Hoffman.

In regard to Claims 14, 19, and 21, the applicant argues that Stark teaches determining if the resources identified by the resource maps differ, which is different from detecting a resource exception error which may occur if either a key-value pair is not defined in a resource file or if a key in the program code or in the resource file is mistyped. However, Stark does teach generating a report of resource errors detected (Figure 9, item 346). This report of a comparison between maps looks for errors between resources linked through the various maps, and reports missing resources (Column 9, lines 26). Furthermore, there is no claim language in the claims that suggest that the resource errors must be a key-value pair is not defined in a resource file or if a key in the program code or in the resource file is mistyped.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

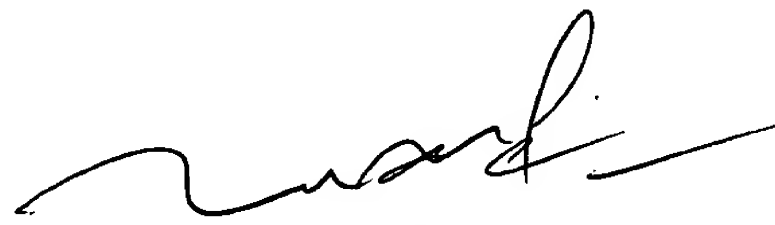
Application/Control Number: 09/697,448
Art Unit: 2122

Page 9

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG



TUAN DAM
SUPERVISORY PATENT EXAMINER